



LEGISLATIVE REPORT #309

Legislature Recesses Until April 13th Due To COVID-19

March 17, 2020: The Assembly and Senate voted March 16 on Assembly Concurrent Resolution (ACR) 189 to recess session until April 13th due to the crisis facing the State with the COVID-19 outbreak. The resolution also allows the Legislature to extend the recess beyond April 13th or recall itself at some point.

Staff and members will continue to work and serve their constituents both in Sacramento and in the District. We will continue to advocate with both staff and members remotely. However, we should expect the focus of the Legislature to be on addressing the crisis, and responses on other matters may be delayed.

While the situation remains fluid, I know many have asked how this will impact the passage of legislation this year. No announcements regarding legislative deadlines or hearing schedules have been made, but at this point there is still time for legislation to be heard and considered by both houses upon their return.

California has three constitutional deadlines related to legislation, which could only be changed by a majority vote of all California voters (so that will not happen this year):

- June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)).
- Aug. 31 Last day for each house to pass bills (Art. IV, Sec 10(c)).
- Sept. 30 Last day for Governor to sign or veto bills passed (Art. IV, Sec. 10(b)(2))
- November 30 Any regular or special sessions not previously adjourned are adjourned sine die at midnight.

All other deadlines are set by the Assembly and Senate, and can be changed by a majority vote within each house (house of origin deadlines, fiscal committee deadlines, etc.).

In addition, the Governor can convene a special session of the legislature that is not beholden to the timelines I outlined above, apart from the November 30th deadline. The constitution allows "on extraordinary occasions the Governor by proclamation may cause the Legislature to assemble in special session. When so assembled it has power to legislate only on subjects specified in the proclamation but may provide for expenses and other matters incidental to the session." (Article IV, Section 3(b)). The Governor could call a special session on COVID-19, for example, and the legislature could consider a broad array of measure related to the crisis.

On the subject of transparency, the constitution also mandates, "The proceedings of each house and the committees thereof shall be open and public." However, I have not yet found what constitutes "open and public" and I believe the Assembly and Senate are grappling with how to interpret that as well. In that vein, the Senate adopted Rule 86 today, which allows Committees to meet and the public to participate remotely, "by any means made available by the committee." The rule also allows Senators to participate in committees and floor session remotely. It is not yet clear when this rule will be used, but it can only be used during a state of emergency.